

Consumer Alert: Delta-8-THC (July 2021)

Florida is one of only a few states that regulates each facet of the hemp industry – from seed to sale. Under the direction of Commissioner Nikki Fried, the Florida Department of Agriculture and Consumer Services (“FDACS”) strives to ensure that food products are safe for consumption. Since standing up the state hemp program in 2019, the department has issued more than 700 licenses to cultivate hemp, and permitted more than 8,000 locations that extract, process (aka manufacture), wholesale/distribute, store, and sell hemp extract. In addition to permitting, the department actively inspects for sanitary operating conditions and tests for label accuracy and contaminants unsafe for human consumption.

The department routinely finds violative products and conducts investigations based on consumer complaints. The FDACS team is on the ground daily working to make sure the rules are being followed and that hemp extract products do not contain contaminants unsafe for human consumption. Over the past year, the department has observed a growing interest in the sale of Delta-8-tetrahydrocannabinol (“Delta-8-THC”) and received numerous inquiries regarding its safety.

Delta-8-THC is one of over 100+ naturally occurring cannabinoids in the cannabis plant. Delta-8-THC, like many other cannabinoids, occurs in relatively low levels in the plant. It is commonly understood that these products are manufactured by converting Cannabidiol (CBD) to Delta-8-THC through a chemical process. As a result, the U.S. Drug Enforcement Agency and several states have issued formal opinions that Delta-8-THC is an illegal synthetic cannabinoid.

Additionally, many states have formally banned the sale of Delta-8-THC. Florida law requires all hemp extract products, including Delta-8 products, to have a COA showing the Total THC (THC $A \times .8777 + \text{Delta } 9 = \text{total THC}$) is 0.3% or less. The Department is conducting regulatory testing to confirm compliance with this standard for consumer protection.

Perhaps more concerning are the unknown chemicals in these products. Often, the chemical conversion from CBD to Delta-8-THC is performed under acidic conditions. Ingesting or inhaling residual acids left over from conversion can result in bodily harm or even death. Until comprehensive, nationwide standards are adopted, consumers have no way of knowing what post-processing steps were taken to ensure the safety of these products.

If you have consumed an unsafe product, call your doctor. If it's an emergency, call 911. If you believe you or someone you know became ill from one of these products, you should report the illness directly to the Florida Department of Health using their online submission form.